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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/766,591

Applicant(s)

CHEN ET AL.

Examiner

Christyna Zelaskiewicz

Art Unit

4143

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 January 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-31 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-31 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SF/ICE)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Status of Claims

1. This action is in reply to the application filed on January 28, 2004.
2. Claims 1-31 are currently pending and have been examined.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claim 6 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 6 states *appears to indicate*, which is vague and indefinite because the words have subjective meaning, and do not further limit nor clarify the subsequent words. For purposes of this examination, Examiner will assume the applicant meant "shows."
5. Claims 8 and 23, and dependent claims 9 and 24, are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claims 8 and 23 state *providing an indication of whether the players are to be trusted*, which is vague and indefinite because the words have subjective meaning, and do not further limit nor clarify the subsequent words. For purposes of this examination, Examiner will assume the applicant meant "providing a result that the players are or are not to be trusted."
6. Claims 11 and 26 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claims 11 and 26 state *filter may have been applied*, which is vague and indefinite because the words have subjective meaning, and do not further limit nor clarify the subsequent words. For purposes of this examination, Examiner will assume the applicant meant "filter was or was not applied."

Claim Rejections - 35 USC § 101

7. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

8. When functional descriptive material is recorded on some computer-readable medium, it becomes structurally and functionally interrelated to the medium and will be statutory in **most cases** since use of technology permits the function of the descriptive material to be realized. See MPEP § 2106.01.
9. Claim 15 is rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. Claim 15 is directed to *a memory medium that stores machine instructions for carrying out the steps of claim 1*. Claim 15, as currently written, does not have the functional descriptive material (a program) as structurally and functionally interrelated to the medium. Instead, claim 15 should be directed to an **executable** computer program that is **tangibly embodied** on a computer readable medium.

Claim Rejections - 35 USC § 103

10. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

11. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Examiner's Note: The Examiner has pointed out particular references contained in the prior art of record within the body of this action for the convenience of the Applicant. Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claim, other passages and figures may apply. Applicant, in preparing the response, should consider fully the entire reference as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the Examiner.

12. Claims 1-12, 14-27, 29-31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Leen et al. (US 2003/0050114) in view of Lavanchy et al. (US 6,758,754).

Claims 1, 16

Leen, as shown, discloses the following limitations:

a memory used for storing machine instructions (see at least P 0006: The memory stores the statistics information);

a network interface that couples the server computing device in communication with client computing devices participating in the game session (see at least P 0006: The server executes a gaming application and monitors a plurality of game events during the execution of the gaming application by a user. The server further communicates first event information associated with a first game event, and communicates second event information associated with a second game event);

a processor that is coupled to the memory and to the network interface, said processor executing the machine instructions to carry out a plurality of functions, including (see at least P 0006: processor remotely coupled to the server, and a memory coupled to the processor... The processor receives the first event information, receives the second event information, and generates statistics information based at least in part upon the first event information and the second event information);

receiving reports at the gaming service from the clients, wherein the report received from a client includes results for all players participating in the game session, as perceived by the online game

executed on said client (see at least P 0050-0051: Statistics information 154 comprises data that is collected, sorted, organized, analyzed, or otherwise processed to define one or more quantitative and/or qualitative characteristics about a gaming application 114, a user of a gaming application 114, or both... Statistics manager 132 may also generate statistics information 154 based upon end-of-game data communicated by server 104 about a gaming application); *automatically comparing the results reported to the gaming service by the clients, to determine if any inconsistency exists in the results that were reported* (see at least P 0053: compare first statistics information 154, such as statistics information 154 associated with a particular user, with second statistics information 154, such as statistics information 154 associated with the same or different user. Platform 106 may then provide any number and combination of enhanced services to any number and combination of users based upon this comparison of statistics information); *if no inconsistency exists and if results are reported by all of the clients initially participating in the game session, using the results that were consistently reported as the official results for the game session* (see at least P 0055: statistics manager 132 to provide statistics generation services to **clients 102 participating** in gaming applications 114 hosted by many different servers 104. In other embodiments, the statistics information 154 may be based solely upon event information (results reported) received from a particular server 104. This allows statistics manager 132 to generate statistics information 154 that is focused upon a particular user or gaming application 114).

Leen does not disclose the following limitations, but Lavanchy, as shown, does:

otherwise, if either an inconsistency exists in the results that were reported or if not all of the clients initially participating in the game session reported results, applying a predefined set of arbitration rules to determine the official results for the game session (see at least C 12 L 38-47: the full allotment of time must expire before a player is advanced to the answer screen. A player may change a selected answer at any time until time expires. An answer (or "Pass" button) that is selected when time expires is the one that is submitted for evaluation. According to an embodiment of the invention, not answering at all may be scored as a "pass," but if a player fails

to answer a predetermined number of questions in succession (not all of the clients initially participating in the game session reported results), the player is disconnected from the match due to inactivity (applying a predefined set of arbitration rules)).

It would have been obvious to one skilled in the art at the time of the invention to combine the system and method for providing game event management of Leen with the system and method for interactive game-play of Lavanchy. Leen teaches receiving reports, comparing results, and using the results that were consistently reported as the official results. Leen does not explicitly show applying rules to determine official results if not all the clients initially participating reported results. However, Lavanchy teaches applying rules to determine official results if not all the clients initially participating reported results. Therefore, it would have been obvious to combine Leen with Lavanchy because 1) current online gaming fails to allow players to compete for tangible prizes in a secure environment that does not rely upon trust among the competitors (see at least Leen P 0003); and 2) electronic games, however, may suffer from the drawback of reducing the number of people who can participate together in a game (see at least Lavanchy C 1 L 22-25). Applying rules to determine official results if not all the clients initially participating reported results will allow players to continue to compete against each other and participate in the game, despite some clients not reporting their results. Thus, the game experience will not be 'cheapered' for all clients because said clients did not report their results.

Claims 2, 17

Leen, in view of Lavanchy, discloses the limitations of claims 1, 16. Furthermore, Leen discloses the following limitations:

the report indicates whether connectivity to another client was lost during the game session (see at least P 0079: user characteristics (report) may include the number of disconnects a particular user performs during the execution of a gaming application).

Claims 3, 18

Leen, in view of Lavanchy, discloses the limitations of claims 2, 17. Furthermore, Lavanchy discloses the following limitations:

*registering each player with the online gaming service as a participant in the game session before the game session begins so that any player who has not registered is prohibited from participating in the game session and (see at least C 3 L 59-67: the system provides for players to login and register **before** playing a game in login/registration. Once a player registers, or if a player has previously registered, a player may log into a system (prohibited from logging on until registered)),*

so that any player who has registered will subsequently be determined by the online gaming service to have been a participant in the game session, even if the player does not finish play of the game session (see at least C 12 L 45-47: if a player fails to answer a predetermined number of questions in succession, the player is disconnected from the match due to inactivity) or denies participating in the game session.

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Lavanchy to show that any player who has registered and logged into the system will subsequently be determined by the online gaming service to have been a participant, even if the player denies participation. Lavanchy already teaches that any registered player who logs into the system is deemed to have been a participant, even if he does not finish play of the game session. Therefore, one of ordinary skill would be motivated to include registered players who log into the system to be participants in the game session, even if the player denies participation, because the registration and act of logging in provide a record of the player's participation in the game session.

Furthermore, it would have been obvious to one skilled in the art at the time of the invention to combine the system and method for providing game event management of Leen with the system and method for interactive game-play of Lavanchy. Leen teaches receiving reports, comparing results, and using the results that were consistently reported as the official results. Leen does not explicitly show registering each player before game session begins. However, Lavanchy teaches registering each player before game session begins. Therefore, it would have been obvious to combine Leen with Lavanchy because 1) current online gaming fails to allow players to compete

for tangible prizes in a secure environment that does not rely upon trust among the competitors (see at least Leen P 0003); and 2) electronic games, however, may suffer from the drawback of reducing the number of people who can participate together in a game (see at least Lavanchy C 1 L 22-25). Registering each player before game session begins will allow players to compete in a secure environment, and know who is participating in the game session.

Claims 4, 19

Leen, in view of Lavanchy, discloses the limitations of claims 3, 18. Furthermore, Leen discloses the following limitations:

if the results that were reported indicate that connectivity was lost with another client used by a player who registered, and the other client did not report results (see at least P 0079: user characteristics (report) may include the number of disconnects a particular user performs during the execution of a gaming application).

Lavanchy discloses the following limitations:

the arbitration rules will determine that the client not reporting results simply disconnected and stopped participating in the game session before its completion (see at least C 12 L 45-47: if a player fails to answer a predetermined number of questions in succession, the player is disconnected from the match due to inactivity).

It would have been obvious to one skilled in the art at the time of the invention to combine the system and method for providing game event management of Leen with the system and method for interactive game-play of Lavanchy. Leen teaches that the results indicate that connectivity was lost. Leen does not explicitly show the rules will determine that the client not reporting results simply disconnected and stopped participating in the game session. However, Lavanchy teaches the rules will determine that the client not reporting results simply disconnected and stopped participating in the game session. Therefore, it would have been obvious to combine Leen with Lavanchy because 1) current online gaming fails to allow players to compete for tangible prizes in a secure environment that does not rely upon trust among the competitors (see at least Leen P 0003); and 2) electronic games, however, may suffer from the drawback of

reducing the number of people who can participate together in a game (see at least Lavanchy C 1 L 22-25). Having the rules determine that the client not reporting results simply disconnected and stopped participating in the game session will allow the other players (who are reporting results) to continue to compete for prizes, and know who participated in the game.

Claims 5, 20, 31

Leen, in view of Lavanchy, discloses the limitations of claims 3, 18, 30. Furthermore, Leen discloses the following limitations:

enabling a client that is unable to communicate with the gaming service using a preferred communication protocol because said client is being subjected to packet bombing, to instead employ at least a limited transmission to the gaming service using an alternative communication protocol that is unaffected by the packet bombing, said arbitration rules treating the limited transmission as an indication that said client may have been unable to communicate with the gaming service and other clients with the preferred communication protocol as a result of the packet bombing (see at least P 0039: platform 106 establishes **one or more communication paths** to the appropriate clients 102 and/or servers 104. In one embodiment, platform 106 establishes a communication path with the appropriate client 102 **via an appropriate server** 104. In another embodiment, platform 106 establishes a communication path with the appropriate client 102 **using a proprietary web server**. In yet another embodiment, platform 106 establishes **a direct communication path** with the appropriate client 102 using network 100. In all of these embodiments, the appropriate communication path is established such that platform 106 may provide enhanced services to the appropriate client 102).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Leen to show a client, which is unable to communicate with the gaming service using a preferred communication protocol, to instead employ a limited transmission to the gaming service using an alternative communication protocol. Leen already teaches that the gaming service and client may communicate via one or more communication paths. Therefore, one of ordinary skill would be motivated to modify Leen to show the client communicating with the gaming service via one or

more communication paths because the client may be unable to communicate with the gaming service via a preferred communication protocol, and instead, must utilize one of these alternative communication paths in order to communicate with the gaming service. Additionally, one of ordinary skill would recognize the suggestion that the client is unable to communicate with the gaming service via a preferred communication protocol because the client is being subjected to packet bombing. Thus, the client would have to utilize one of these alternative communication paths in order to communicate with the gaming service. Finally, one of ordinary skill would recognize the motivation that the gaming service would treat the limited transmission (alternative communication path) as an indication that the client was unable to communicate via the preferred communication protocol because the preferred protocol initially included registration and login (see at least Lavanchy C 3 L 59-60). Thus, the limited transmission would have to re-establish the client's identity through registration and login, suggesting the client could not communicate via the preferred protocol.

Claims 6, 21

Leen, in view of Lavanchy, discloses the limitations of claims 1, 16. Furthermore, Leen discloses the following limitations:

a report from a client may indicate whether any event or condition was noted for a specific other client that is outside predefined parameters for play of the online game, where said event or condition appears to indicate that the specific other client is executing a modified online game (see at least P 0053: compare first statistics information 154, such as statistics information 154 associated with a particular user, with second statistics information 154, such as statistics information 154 associated with the same or **different user**. Platform 106 may then provide any number and combination of enhanced services to any number and combination of users based upon this comparison of statistics information... Platform 106 may further measure any combination of event information 152, statistics information 154, and profile information 156 against certain **predetermined thresholds** (parameters) associated with the user. In this regard, platform 106 may determine whether the user is playing a particular gaming application 114 at an

expected skill level. Such an audit of player performance may reveal cheating or other anti-competitive behavior (playing a modified game)).

Claims 7, 22

Leen, in view of Lavanchy, discloses the limitations of claims 1, 16. Furthermore, Lavanchy discloses the following limitations:

the predefined arbitration rules provide for using the results reported by a majority of the clients submitting reports, as the official results (see at least C 12 L 38-47: the full allotment of time must expire before a player is advanced to the answer screen. A player may change a selected answer at any time until time expires. An answer (or "Pass" button) that is selected when time expires is the one that is submitted for evaluation. According to an embodiment of the invention, not answering at all may be scored as a "pass," but if a player fails to answer a predetermined number of questions in succession, the player is disconnected from the match due to inactivity (using the results reported by a majority of the clients, i.e. not including the disconnected player)). It would have been obvious to one skilled in the art at the time of the invention to combine the system and method for providing game event management of Leen with the system and method for interactive game-play of Lavanchy. Leen teaches receiving reports, comparing results, and using the results that were consistently reported as the official results. Leen does not explicitly show using the results reported by a majority of the clients as the official results. However, Lavanchy teaches using the results reported by a majority of the clients as the official results. Therefore, it would have been obvious to combine Leen with Lavanchy because 1) current online gaming fails to allow players to compete for tangible prizes in a secure environment that does not rely upon trust among the competitors (see at least Leen P 0003); and 2) electronic games, however, may suffer from the drawback of reducing the number of people who can participate together in a game (see at least Lavanchy C 1 L 22-25). Using the results reported by a majority of the clients as the official results will allow players to compete for prizes because these depend upon the official results.

Claims 8, 23

Leen, in view of Lavanchy, discloses the limitations of claims 1, 16. Furthermore, Leen discloses the following limitations:

the predefined arbitration rules determine the official results based upon data previously collected in regard to the players who began to participate in the game session, said data providing an indication of whether the players are to be trusted in regard to results reported by the clients used by the players (see at least P 0050, 0077: statistics manager 132 generates statistics information 154 based upon **previously generated** statistics information 154. Statistics information 154 comprises data that is collected, sorted, organized, analyzed, or otherwise processed to define one or more quantitative and/or qualitative characteristics (indication of whether players are to be trusted) about a gaming application 114, a user of a gaming application 114, or both... profile information 156 includes **previously provided** selection criteria 280 and a user may provide additional or new selection criteria 280).

Claims 9, 24

Leen, in view of Lavanchy, discloses the limitations of claims 8, 23. Furthermore, Leen discloses the following limitations:

updating the data for the players who began to participate in the game session, as a function of the arbitration rules, after the game session is concluded (see at least P 0052: statistics information (data for players) is based not only upon data that is collected and/or **determined after a gaming application is completed**, but statistics information is also based upon real-time data generated from within the gaming application).

Claims 10, 25

Leen, in view of Lavanchy, discloses the limitations of claims 1, 16. Furthermore, Leen discloses the following limitations:

updating a state of the game session that is stored by the gaming service when determining the official results by applying the arbitration rules (see at least P 0105: The wager event generally comprises an action performed during the execution of a gaming application 114 that **changes**

the state of the gaming application 114 and upon which the outcome of the wager between the first user and the second user is determined).

Claims 11, 26

Leen, in view of Lavanchy, discloses the limitations of claims 1, 16. Furthermore, Leen discloses the following limitations:

the arbitration rules determine that a network filter may have been applied by at least one player if the reports received by the gaming service include conflicting results for the game session (see at least P 0045, 0086, 0111: server 104 filters event information 122... platform 106 may filter, format, or otherwise process event information 122 to generate event information 152... wager manager 140 can quickly filter through event information 152 to identify the event information 152 that is relevant for determining the outcome of a particular wager record 158).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Leen to show a network filter may have been applied by at least one player if the reports received by the gaming service include conflicting results. Leen already teaches the server (client), platform (gaming service), and wager manager (gaming service) filter event information (results), and identifying the relevant information for determining the outcome of a wager record (game). Therefore, one of ordinary skill would be motivated to modify Leen to show a network filter may have been applied by at least one player (client) if the reports received by the gaming service include conflicting results because identifying the relevant information for determining the outcome of a game suggests that conflicting results may have been reported.

Claims 12, 27

Leen, in view of Lavanchy, discloses the limitations of claims 1, 16. Furthermore, Leen discloses the following limitations:

initially applying a predefined time interval for the game session, after which the gaming service will not consider any reports received from a client when determining the official results of the game session (see at least P 0082: wager conditions 312 may comprise time limits for the particular wager (game session)).

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Claim 14

Leen, in view of Lavanchy, discloses the limitations of claim 1. Furthermore, Leen discloses the following limitations:

requiring that the online game report the results of the game session after the game session is over, for all players perceived by the online game to be participants in the game session (see at least P 0081: platform 106 may receive event information 122 from various servers 104 that may be used to determine the outcome of a particular wager (game)).

Claim 15

Leen, in view of Lavanchy, discloses the limitations of claim 1. Furthermore, Leen discloses the following limitations:

A memory medium that stores machine instructions for carrying out the steps of Claim 1 (claim 15 is a machine readable medium that carries out the steps of claim 1, and therefore is rejected on the same grounds as claim 1).

Claim 29

Leen, in view of Lavanchy, discloses the following limitations:

requiring that the online game executing on each participating client computing device automatically cause a report to be submitted to the gaming service at a conclusion of the game session, said report indicating results for all players perceived by the online game executed by the client computing device to be participants in the game session (see claim 14);

evaluating all reports received by the online gaming service from the client computing devices and applying a predefined set of arbitration rules to determine the official results (see claim 1).

Claim 30

Leen, in view of Lavanchy, discloses the limitations of claim 29. Furthermore, Leen, in view of Lavanchy, discloses the following limitations:

requiring that the online game register each player with the online gaming service before the player is enabled to participate in the game session, so that any player not completing the game session is readily identified (see claim 3),

said arbitration rules determining that any player who has not reported results to the online gaming service may have disconnected the client computing device being used by said player during the game session (see claim 4).

13. Claims 13, 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Leen, in view of Lavanchy, and further in view of Walker et al. (US 7,086,947).

Claims 13, 28

Leen, in view of Lavanchy, discloses the limitations of claims 12, 27. Furthermore, Walker discloses the following limitations:

*enabling the clients to request an extension of time for the predefined time interval, if additional time is required to complete the game session (see at least C 5 L 44-49: an offer to provide a player with a bonus expiring amount and an **extension of an expiration period** may be provided to a player once it is determined that a player has utilized the entirety of an expiring amount before the end of an expiration period and is attempting to cash out his credit balance from a gaming device (additional time is required)).*

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Walker to show the client requesting an extension of time because additional time may be required to complete the game (i.e. cash out).

It would have been obvious to one skilled in the art at the time of the invention to combine the system and method for providing game event management of Leen, in view of Lavanchy, with the system and method for facilitating play of a casino game of Walker. Leen, in view of Lavanchy, teaches receiving reports, comparing results, and using the results that were consistently reported as the official results. Leen, in view of Lavanchy, does not explicitly show enabling clients to request an extension of time. However, Walker teaches enabling clients to request an extension of time. Therefore, it would have been obvious to combine Leen, in view of Lavanchy, with Walker because 1) current online gaming fails to allow players to compete for tangible prizes in a secure environment that does not rely upon trust among the competitors (see at least Leen P

0003); and 2) casino or slot machine games can be played online. Enabling clients to request an extension of time may be necessary to compete in the game session.

Double Patenting

14. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. A nonstatutory obviousness-type double patenting rejection is appropriate where the conflicting claims are not identical, but at least one examined application claim is not patentably distinct from the reference claim(s) because the examined application claim is either anticipated by, or would have been obvious over, the reference claim(s). See, e.g., *In re Berg*, 140 F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent either is shown to be commonly owned with this application, or claims an invention made as a result of activities undertaken within the scope of a joint research agreement.

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer.

A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

15. Claims 1, 14, 5, 15, 16, 20, 11, 31, 29 are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1, 2, 9, 16, 17, 25, 36, 35, 32, respectively, of US patent 7,367,888. Although the conflicting claims are not identical, they are not patentably distinct from each other because the subject matter of the instant application would have been obvious to one of ordinary skill in the art in light of the disclosure of US patent 7,367,888. Claims 1, 2, 9, 16, 17, 25, 36, 35, 32 of US patent 7,367,888 are directed to a

method, memory medium, and server for determining an official result for an online game session, comprising establishing a trust rating, receiving results, and determining the official results (see US patent 7,367,888, claims 1, 2, 9, 16, 17, 25, 36, 35, 32). Claims 1, 14, 5, 15, 16, 20, 11, 31, 29 of the instant application are directed to a method, memory medium, and server for determining official results for an online game session, comprising receiving reports, comparing the results, using the results if there is no inconsistency, or applying predefined rules to determine the official results if an inconsistency exists. The instant application would have been obvious to one of ordinary skill in the art in light of claims 1, 2, 9, 16, 17, 25, 36, 35, 32 of US patent 7,367,888 because a trust rating incorporates receiving reports, comparing the results, using the results if there is no inconsistency, or applying predefined rules to determine the official results if an inconsistency exists.

Conclusion

Any inquiry of a general nature or relating to the status of this application or concerning this communication or earlier communications from the Examiner should be directed to **Chrystina Zelaskiewicz** whose telephone number is **571.270.3940**. The Examiner can normally be reached on Monday-Friday, 9:30am-5:00pm. If attempts to reach the examiner by telephone are unsuccessful, the Examiner's supervisor, **James A. Reagan** can be reached at **571.272.6710**.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://portal.uspto.gov/external/portal/pair> <<http://pair-direct.uspto.gov>>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at **866.217.9197** (toll-free).

Any response to this action should be mailed to:

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May 7, 2008

/James A. Reagan/

Supervisory Patent Examiner, Art Unit 4143